

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA)
VS.)
MOHAMED SHARIF OMAR,)

Criminal No: 3:10-00260-24
JUDGE HAYNES

ORAL ARGUMENT/HEARING
REQUESTED

DWELL
This motion
is set for a
hearing on
June 26, 2012
at 4:00 pm

**SECOND MOTION TO RECONSIDER DETENTION ORDER AND REOPEN THE
DETENTION HEARING AND INCORPORATED MEMORANDUM OF LAW**

Comes now the petitioner, Mohamed Omar, by and through his attorney Erik Herbert, and pursuant to 18 U.S.C. 3142(F) and hereby moves this Court to reconsider its Order of Detention entered March 15, 2011 and subsequent denial of the defendant's first Motion to Reconsider on February 3, 2012. There are numerous factual circumstances and material changes regarding the proof in this case that have occurred since this Court last reviewed Mr. Omar's detention status which provide justification for this Court to grant a *de novo* hearing on this motion. The defendant will show that continued incarceration is improper under 18 U.S.C. § 3142(g)(2) in that that there is not any proof to be offered at the trial in this matter that the defendant sexually trafficked a minor. As grounds:

- 1) The Government's witnesses against the defendant as promised have either chosen not to testify, are not credible, or have recanted their previous testimony and there simply does not exist any credible proof that the defendant was engaged in any sex trafficking.
- 2) The defendant's alleged co-conspirators to sexually traffic Jane Doe One, Abdifatah Jama and Fadumo Farah, have had their sex trafficking cases either dismissed outright by the government or have been found not guilty by a jury.